

BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

Case No. VN-2002-520

CHRISTINA THOMAS
1920 Mt. Hamilton Drive
Antioch, CA 94531

OA# No. L2009020143

Applicant for Vocational Nurse License

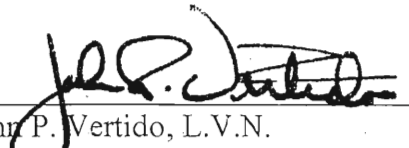
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on June 5, 2009.

IT IS SO ORDERED this 6th day of May, 2009.



John P. Vertido, L.V.N.
President

1 EDMUND G. BROWN JR.,
2 Attorney General of the State of California
3 FRANK H. PACOE
4 Supervising Deputy Attorney General
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7 455 Golden Gate Avenue, Suite 11000
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11 Attorneys for Complainant

12 **BEFORE THE**
13 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
14 **DEPARTMENT OF CONSUMER AFFAIRS**
15 **STATE OF CALIFORNIA**

16 In the Matter of the Statement of Issues Against:

17 **Christina Thomas, aka Christina Jones**
18 1920 Mt. Hamilton Dr.
19 Antioch, CA 94531

20 Applicant For Vocational Nurse Licensure

21 Respondent.

Case No. VN-2002-520

OAH No. 2009020143

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
23 above-entitled proceedings that the following matters are true:

24 PARTIES

25 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive
26 Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action
27 solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney
28 General of the State of California, by Justin R. Surber, Deputy Attorney General.

2. Respondent Christina Thomas, aka Christina Jones Christina Thomas
(Respondent) is representing herself in this proceeding and has chosen not to exercise her right to
be represented by counsel.

3. On or about April 7, 1998, Respondent filed an application dated March
20, 1998, with the Board of Vocational Nursing and Psychiatric Technicians (Board),

1 Department of Consumer Affairs, to obtain a Vocational Nursing License. On or about July 7,
2 2003, Respondent filed an application dated June 27, 2003, with the Board for "re-examination"
3 for a Vocational Nursing License. On or about July 12, 2004, Respondent filed an application
4 dated July 8, 2004, with the Board for "re-examination" for a Vocational Nursing License. On or
5 about July 28, 2005, Respondent filed an application dated July 26, 2005, with the Board for
6 "re-examination" for a Vocational Nursing License. On or about August 15, 2006, Respondent
7 filed an application dated August 14, 2006, with the Board for "re-examination" for a Vocational
8 Nursing License. On or about September 17, 2007, Respondent filed an application dated
9 August 28, 2007, with the Board for "re-examination" for a Vocational Nursing License.

10 JURISDICTION

11 4. Statement of Issues No. VN-2002-520 was filed before the Board and is
12 currently pending against Respondent. The Statement of Issues and all other statutorily required
13 documents were properly served on Respondent on January 27, 2009. Respondent timely filed
14 her Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No.
15 VN-2002-520 is attached as Exhibit A and incorporated herein by reference.

16 ADVISEMENT AND WAIVERS

17 5. Respondent has carefully read, and understands the charges and allegations
18 in Statement of Issues No. VN-2002-520. Respondent has also carefully read, and understands
19 the effects of this Stipulated Settlement and Disciplinary Order.

20 6. Respondent is fully aware of her legal rights in this matter, including the
21 right to a hearing on the charges and allegations in the Statement of Issues; the right to be
22 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
23 against her; the right to present evidence and to testify on her own behalf; the right to the
24 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
25 the right to reconsideration and court review of an adverse decision; and all other rights accorded
26 by the California Administrative Procedure Act and other applicable laws.

27 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
28 each and every right set forth above.

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Statement of Issues No. VN-2002-520.

4 9. Respondent agrees that her Vocational Nursing Licence applications are
5 subject to denial and she agrees to be bound by the Board of Vocational Nursing and Psychiatric
6 Technicians (Board) 's imposition of discipline as set forth in the Disciplinary Order below.

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Board of Vocational
9 Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for
10 Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may
11 communicate directly with the Board regarding this stipulation and settlement, without notice to
12 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
13 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
14 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
15 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
16 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
17 shall not be disqualified from further action by having considered this matter.

18 11. The parties understand and agree that facsimile copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
20 force and effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties
22 agree that the Board may, without further notice or formal proceeding, issue and enter the
23 following Disciplinary Order:

24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that Respondent Christina Thomas, aka Christina
26 Jones shall be issued a Vocational Nursing License that will be automatically revoked. However,
27 the revocation will be stayed and the Respondent placed on two (2) years probation on the
28 following terms and conditions.

1 1. **Obey All Laws**

2 Respondent shall obey all federal, state and local laws, including all statutes and
3 regulations governing the license. Respondent shall submit, in writing, a full and detailed account
4 of any and all violations of the law, including alleged violations, to the Board within five (5) days
5 of occurrence.

6 To ensure compliance with this condition, Respondent shall submit fingerprints
7 through the Department of Justice and Federal Bureau of Investigation within thirty (30) days of
8 the effective date of the decision, unless the Board determines that fingerprints were previously
9 submitted by the Respondent to the Board.

10 Respondent shall also submit to the Board a. recent 2" x 2" photograph of
11 himself/herself within thirty (30) days of the effective date of the decision.

12 If Respondent is under a criminal court order, including probation or parole, and
13 the order is violated, it shall be deemed a violation of these probation conditions.

14 2. **Compliance With Probation Program**

15 Respondent shall fully comply with the conditions of probation established by the
16 Board and shall cooperate with representatives of the Board in its monitoring and investigation of
17 Respondent's compliance with the Probation Program. Upon successful completion of probation,
18 Respondent's license will be fully restored.

19 3. **Submit Written Reports**

20 Respondent shall submit or cause to be submitted, under penalty of perjury, any
21 written reports, declarations and verification of actions as required by the Board or its
22 representatives. These reports or declarations shall contain statements relative to Respondent's
23 compliance with all the conditions of the Board's Program. Respondent shall immediately
24 execute all release of information forms as may be required by the Board or its representatives.

25 In the first report, Respondent shall provide a list of all states and territories where
26 she has ever been licensed as a vocational/practical nurse, psychiatric technician, or registered
27 nurse. Respondent shall provide information regarding the status of each license and any change
28 in license status during the period of probation. Respondent shall inform the Board if he/she

1 applies for or obtains a new nursing or psychiatric technician license during the period of
2 probation.

3 Respondent shall provide a copy of the Board's decision to the regulatory agency
4 in every state and territory in which she has applied for or holds a vocational/practical nurse,
5 psychiatric technician and/or registered nurse license.

6 **4. Notification of Address And Telephone Number Change(s)**

7 Respondent shall notify the Board, in writing, within five (5) days of any change
8 in address or telephone number(s).

9 Respondent's failure to claim mail sent by the Board may be deemed a violation of
10 these probation conditions.

11 **5. Notification of Residency or Practice Outside of State**

12 Respondent shall notify the Board, in writing, within five (5) days, if she leaves
13 California to reside or practice in another state. Periods of residency or practice outside of
14 California shall not apply toward a reduction of this probation time period. If Respondent resides
15 or practices outside of California, the period of probation shall be automatically extended for the
16 same time period she resides or practices outside of California. Respondent shall provide written
17 notice to the Board within five (5) days of any change of residency or practice.

18 Respondent shall notify the Board, in writing, within five (5) days, upon her
19 return to California.

20 **6. Meetings with Board Representative(s)**

21 Respondent shall appear in person at meetings as directed by the Board or its
22 designated representatives.

23 **7. Notification to Employer(s)**

24 When currently employed or applying for employment in any capacity in any
25 health care profession, Respondent shall notify her employer of the probationary status of
26 Respondent's license. This notification to Respondent's current health care employer shall occur
27 no later than the effective date of the Decision. Respondent shall notify any prospective health
28 care employer of her probationary status with the Board prior to accepting such employment. At

1 a minimum, this notification shall be accomplished by providing the employer or prospective
2 employer with a copy of the Board's Accusation and Disciplinary Decision.

3 The Health Care Profession includes, but is not limited to: Licensed Vocational
4 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency
5 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary
6 technical health care positions.

7 Respondent shall cause each health care employer to submit to the Board all
8 performance evaluations and any other employment related reports as required by the Board.
9 Respondent shall notify the Board, in writing, of any difficulty in securing employer reports
10 within five (5) days of such an event.

11 Respondent shall notify the Board, in writing, within five (5) days of any change
12 in employment status. Respondent shall notify the Board, in writing, if she is terminated or
13 separated, regardless of cause, from any nursing or health care related employment with a full
14 explanation of the circumstances surrounding the termination or separation.

15 8. Employment Requirements And Limitations

16 Respondent shall work in her licensed capacity in the state of California. This
17 practice shall consist of no less than six (6) continuous months and of no less than twenty (20)
18 hours per week.

19 Respondent shall not work for a nurses' registry or in any private duty position, a
20 temporary nurse placement agency, as a faculty member in an accredited or approved school of
21 nursing, or as an instructor in a Board approved continuing education course except as approved,
22 in writing, by the Board. Respondent shall work only on a regularly assigned, identified and
23 predetermined work site(s) and shall not work in a float capacity except as approved, in writing,
24 by the Board.

25 9. Supervision Requirements

26 Before commencing or continuing employment in any health care profession,
27 Respondent shall obtain approval from the Board of the supervision provided to the Respondent
28 while employed.

Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

10. Completion of Educational Course(s)

Respondent, at his or her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The course work shall be in addition to that required for license renewal. The Board shall notify Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned course work, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, Respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

11. Maintenance of Valid License

Respondent shall, at all times, maintain an active current license with the Board including any period of suspension.

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision.

Should Respondent's license' expire, by operation of law or otherwise, upon renewal or reinstatement, Respondent's license shall be subject to any and all conditions of this probation not previously satisfied.

13. License Surrender

During probation, if Respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to

1 exercise its discretion whether to grant the request without further hearing. Upon formal
2 acceptance of the tendered license, Respondent will no longer be subject to the conditions of
3 probation.

4 Surrender of Respondent's license shall be considered a disciplinary action and
5 shall become a part of Respondent's license history with the Board. A licensee who surrenders
6 his/her license may petition the Board for reinstatement no sooner than the following minimum
7 periods from the effective date of the disciplinary decision for the surrender:

- 8 - Three (3) years for reinstatement of a license surrendered for any reason other
- 9 than a mental or physical illness; or
- 10 - One (1) year for a license surrendered for a mental or physical illness.

11 **14. Violation of Probation**

12 If Respondent violates the conditions of his/her probation, the Board, after giving
13 Respondent notice and an opportunity to be heard, may set aside the stay order and impose the
14 stayed discipline (denial/revocation/suspension) of Respondent's license. If during probation, an
15 accusation or petition to revoke probation has been filed against Respondent's license or the
16 Attorney General's Office has been requested to prepare an accusation or petition to revoke
17 probation against Respondent's license, the probationary period shall automatically be
18 extended and shall not expire until the accusation or petition has been acted upon by the Board.

19 ACCEPTANCE

20 I have carefully read the Stipulated Settlement and Disciplinary Order. I
21 understand the stipulation and the effect it will have. I enter into this Stipulated Settlement and
22 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
23 Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

24 DATED: 2-19-09.

25
26 
27 CHRISTINA THOMAS, AKA CHRISTINA JONES
(Respondent)

28 ///

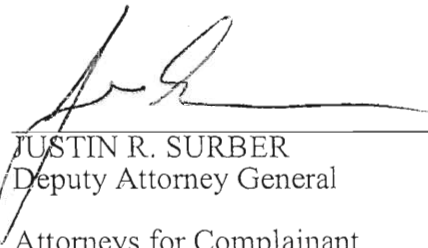
1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of
4 the Department of Consumer Affairs.

5
6 DATED: 2/20/09

7 EDMUND G. BROWN JR., Attorney General
8 of the State of California

9 FRANK H. PACOE
10 Supervising Deputy Attorney General

11
12 
13 JUSTIN R. SURBER
14 Deputy Attorney General

15 Attorneys for Complainant

16 DOJ Matter ID: SF2009201342
17 40307654.wpd
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Exhibit A

Statement of Issues No. VN-2002-520

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUSTIN R. SURBER, State Bar No. 226937
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5 Telephone: (415) 355-5437
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6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. VN-2002-520

12 **Christina Thomas**
13 **aka Christina Jones**
1920 Mt. Hamilton Dr.
Antioch, CA 94531

STATEMENT OF ISSUES

14 Applicant For Vocational Nurse Licensure

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
20 Statement of Issues solely in her official capacity as the Executive Officer of the Board of
21 Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

22 2. On or about April 7, 1998, the Board of Vocational Nursing and
23 Psychiatric Technicians, Department of Consumer Affairs ("Board") received an application for
24 a vocational nurse license from Christina Jones. On or about March 20, 1998, Christina Jones
25 certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. On or about July 7, 2003 the Board received an application for
27 "re-examination" for a vocational nurse license from Christina Thomas. On or about June 27,
28 2003, Christina Thomas certified under penalty of perjury to the truthfulness of all statements,

1 answers, and representations in the application. Christina Thomas' application for re-
2 examination contained the same social security number as Christina Jones' application. On or
3 about July 12, 2004, the Board received an application for "re-examination" for a vocational
4 nurse license from Christina Thomas. On or about July 8, 2004, Christina Thomas certified under
5 penalty of perjury to the truthfulness of all statements, answers, and representations in the
6 application. On or about July 28, 2005, the Board received an application for "re-examination"
7 for a vocational nurse license from Christina Thomas. On or about July 26, 2005, Christina
8 Thomas certified under penalty of perjury to the truthfulness of all statements, answers, and
9 representations in the application. On or about August 15, 2006, the Board received an
10 application for "re-examination" for a vocational nurse license from Christina Thomas. On or
11 about August 14, 2006, Christina Thomas certified under penalty of perjury to the truthfulness of
12 all statements, answers, and representations in the application. On or about September 17, 2007,
13 the Board received an application for "re-examination" for a vocational nurse license from
14 Christina Thomas. On or about August 28, 2007, Christina Thomas certified under penalty of
15 perjury to the truthfulness of all statements, answers, and representations in the application. The
16 Board denied the applications of Christina Thomas a.k.a. Christina Jones ("Respondent") on
17 December 16, 2008.

18 JURISDICTION

19 3. This Statement of Issues is brought before the Board, under the authority
20 of the following laws. All section references are to the Business and Professions Code ("Code")
21 unless otherwise indicated.

22 STATUTORY PROVISIONS

23 4. **Section 2866** of the Code provides, in pertinent part, that the Board may
24 deny a license when it finds that the applicant has committed any acts constituting grounds for
25 denial of licensure under section 480 of that Code.

26 5. **Section 480** of the Code states:

27 "(a) A board may deny a license regulated by this code on the grounds that the
28 applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

"(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

• • •

"(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license."

6. **Section 2878** of the Code states:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

• • •

"(e) Making or giving any false statement or information in connection with the application for issuance of a license.

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

• • •

(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.

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2 **FIRST CAUSE FOR DENIAL OF APPLICATION**

3 **(Conviction of a Crime)**

4 7. Respondent's application is subject to denial under section 480(a)(1) of the
5 Code in that Respondent was convicted of a crime that is substantially related to the
6 qualification, duties, or functions of a licensed vocational nurse. On or about December 31,
7 1991, in San Mateo Superior Court Case No. SF234274A, Respondent was convicted, on a plea
8 of nolo contendere, of violating Welfare and Institutions Code section 10980(c)(2), welfare
9 fraud. The circumstances leading to Respondent's conviction are as follows: Respondent
10 knowingly collected welfare benefits to which she was not entitled.

11 **SECOND CAUSE FOR DENIAL OF APPLICATION**

12 **(Acts Involving Dishonesty, Fraud, or Deceit)**

13 8. Respondent's application is subject to denial under section 480(a)(2) of the
14 Code in that Respondent was involved in an act of dishonesty, fraud, or deceit with the intent to
15 substantially benefit himself or herself or another. The circumstances are described in paragraph
16 7, above.

17 **THIRD CAUSE FOR DENIAL OF APPLICATION**

18 **(False Statements on License Applications)**

19 9. Respondent's application is subject to denial under section 480(c) of the
20 Code in that Respondent knowingly made false statements on her applications for "re-
21 examination." Respondent originally applied for a vocational nurse license under the name
22 Christina Jones. Respondent applied for "re-examination" on five separate occasions under the
23 name "Christina Thomas." Each of the five applications for "re-examination" asked if
24 Respondent had "ever applied to this board for licensure under a different name?" On all five
25 applications for "re-examination" Respondent knowingly and falsely checked the box "no" to
26 this question.

27 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

28 **(Act that are grounds for Suspension/Revocation of a Licentiate)**

10. Respondent's application is subject to denial under section 480(a)(3) of the Code in that Respondent was involved in acts, that if done by a vocational nurse licentiate, would be grounds for suspension or revocation of that license. The circumstances are described as follows:

a. Respondent was convicted of a crime as described in paragraph 7, above.

If a vocational nurse licentiate was convicted of the same crime their license would be subject to suspension or revocation pursuant to section 2878(f) of the Code.

b. Respondent was involved in acts of dishonesty, fraud or deceit as described in paragraph 7, above. If a vocational nurse licentiate was involved in the same acts their license would be subject to suspension or revocation pursuant to section 2878(j) of the Code.

c. Respondent made false statements on her applications for “re-examination” as described in paragraph 9, above. If a vocational nurse licentiate made false statements in connection with an application for the issuance of a license their license would be subject to suspension or revocation pursuant to section 2878(e) of the Code.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Denying the application of Christina Thomas, aka Christina Jones for a vocational nurse license;

2. Taking such other and further action as deemed necessary and proper.

DATED: January 23, 2009

~~TERESA BELLO-JONES, J.D., M.S.N., R.N.~~
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant